

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SKYLAR CUNNINGHAM, individually on
behalf of herself and all others similarly situated,

Plaintiff,

v.

PRET A MANGER (USA) LIMITED,

Defendant.

Case No. 1:19-cv-02322-CM

Hon. Colleen McMahon

**DEFENDANT’S NOTICE OF MOTION TO DISMISS OR,
IN THE ALTERNATIVE, TO STAY PLAINTIFF’S AMENDED COMPLAINT**

PLEASE TAKE NOTICE that the undersigned attorneys for Defendant Pret A Manger (USA) Limited (“Pret”) in the above-referenced matter, request oral argument and will move this Court, before the Honorable Chief Judge Colleen McMahon, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY 10007, on a date and time designated by the Court, for an Order, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), dismissing with prejudice, in whole or in part, Plaintiff’s Amended Complaint, or in the alternative, to stay this action. In support, Pret submits its Memorandum of Law in Support of its Motion to Dismiss, as well as the signed Declaration of Gregory Thorp, Vice President of Finance at Pret, both of which are being filed contemporaneously.

DATED: July 8, 2019

Respectfully submitted,

CROWELL & MORING LLP

/s/ Sarah M. Gilbert

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